

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION OFFICE OF THE SECRETARY WASHINGTON, D.C.

Issued by the Department of Transportation on the 29th day of October, 2003

Essential air service at

DODGE CITY, KANSAS GARDEN CITY, KANSAS GREAT BEND, KANSAS HAYS, KANSAS LIBERAL, KANSAS

under 49 U.S.C. 41731 et seg.

Served: November 3, 2003

Docket OST-1998-3502 Docket OST-1998-3503 Docket OST-1998-3496 Docket OST-1998-3497 Docket OST-1998-3498

ORDER RESELECTING CARRIERS AND ESTABLISHING NEW SUBSIDY RATES

Summary

By this order, the Department is reselecting Air Midwest, Inc., d/b/a US Airways Express, and Great Lakes Aviation, Ltd., to provide essential air service at the five western Kansas communities listed above for the two-year period beginning October 1, 2003, at subsidy rates for both carriers totaling \$4,984,071 annually.

Background

By Order 2002-3-29, March 29, 2002, the Department selected Air Midwest and Great Lakes to provide subsidized essential air service at the five western Kansas communities through September 30, 2003. Under that order, Air Midwest has operated 12 Dodge City-Garden City-Kansas City and 12 Great Bend-Hays-Kansas City round trips a week with 19-seat Beech 1900 aircraft at subsidy rates totaling \$1,267,819 annually. For its part, Great Lakes has operated 13 Dodge City-Liberal-Denver, 5 Liberal-Garden City-Denver, 13 Garden City-Denver and 13 Hays-Denver round trips a week with Beech 1900 aircraft at subsidy rates totaling \$3,506,352 annually.\frac{1}{2}

As the end of the rate term approached, the Department issued Order 2003-8-10, August 7, 2003, which solicited proposals, with or without subsidy requests, from carriers interested in providing service at the five communities for a new two-year period beginning October 1, 2003.

¹ See Appendix A for a map. The total subsidy for both carriers was \$4,774,171 annually.

Carrier Proposals

In response to our request, we received timely-filed proposals from the two incumbent carriers: from Air Midwest's parent company, Mesa Air Group, Inc., and from Great Lakes. The carriers' proposals are discussed below; in all cases, the carriers would continue to operate 19-seat Beech 1900 aircraft.²

Mesa/Air Midwest

In its proposal, Mesa notes that Air Midwest is a code-share partner with US Airways, Inc., at Kansas City. Mesa also states that it currently serves several routes into Denver as United Express and, if Air Midwest is selected to provide service from western Kansas to Denver, it would pursue expansion of its United Express code-share arrangement to include the new routes. Mesa's proposal contains eight options.

- Taken together, Options 1 and 2 represent the *status quo*, where Air Midwest would continue operating 12 Garden City-Dodge City-Kansas City and 12 Hays-Great Bend-Kansas City round trips each week. The total subsidy requirement is \$2,176,402 annually, consisting of \$1,080,520 for Dodge City and Garden City and \$1,095,882 for Great Bend and Hays.
- Option 7 contemplates an increase in the current service to Kansas City for the four communities in Options 1 and 2. Under this option, Air Midwest would operate 18 Garden City-Dodge City-Kansas City and 18 Hays-Great Bend-Kansas City round trips each week, at a total subsidy of \$3,657,095 annually.
- Options 3 and 4 assume that all services from the communities to Denver are eliminated, and therefore contemplate higher service levels to Kansas City for the four communities in Options 1 and 2, plus some service to Kansas City for Liberal. Under Option 3, Air Midwest would operate 18 Garden City-Dodge City-Kansas City and 18 Hays-Great Bend-Kansas City round trips each week, as in Option 7, plus 12 Liberal-Kansas City round trips each week, at a total subsidy of \$3,980,742 annually. Under Option 4, Air Midwest would operate 24 Garden City-Dodge City-Kansas City, 24 Hays-Great Bend-Kansas City, and 12 Liberal-Kansas City round trips each week at a total subsidy of \$5,339,299 annually.
- Option 5 concerns service to Denver only, and could presumably be combined with the Kansas City services contained in Options 1 and 2, or with those in Option 7. Under Option 5, Air Midwest would operate 13 Dodge City-Liberal-Denver, 13 Garden City-Denver, 5 Liberal-Garden City-Denver and 13 Hays-Denver round trips each week, at a total subsidy of \$4,974,560 annually.
- Option 8 also concerns service to Denver only, but at higher levels than those contained in Option 5. Under Option 8, Air Midwest would operate 6 Dodge City-Denver, 13 Dodge City-Liberal-Denver, 19 Garden City-Denver, 5 Liberal-Garden City-Denver, 12 Great Bend-Hays-

² Mesa's and Great Lakes' proposals are contained in full in the dockets. Two other carriers, Eagle Jet Charter Airlines, Inc., and Multi-Aero, Inc., submitted proposals after the September 11 deadline, and for that reason we decided not to accept them.

Denver, and 6 Hays-Denver round trips each week, at a subsidy of \$7,449,816 annually. The high service levels contained in Option 8 suggest that it assumes the elimination of service to Kansas City, but it is not described as such.

• Option 6 assumes that Air Midwest would provide all service at the communities, both to Denver and to Kansas City. Option 6 combines the services proposed in Options 1, 2 and 5, at a total subsidy of \$7,101,524 annually -- which is \$49,438 less than the sum of the subsidy requirements in Options 1, 2 and 5.

Great Lakes

Great Lakes is a code-share partner with Frontier Airlines, Inc., and United Air Lines, Inc., at Denver. Great Lakes' proposal contains three scenarios.

- Option 1 proposes service from four communities (excluding Great Bend) to Denver. This option represents the *status quo*, and assumes that the Department would not select Great Lakes to operate any eastbound service. Great Lakes would thus operate 13 Dodge City-Liberal-Denver, 13 Garden City-Denver, 6 Liberal-Garden City-Denver and 13 Hays-Denver round trips each week. The total subsidy requirement is \$2,807,669 annually, consisting of \$2,053,734 for Dodge City, Garden City and Liberal, and \$753,935 for Hays.
- Option 2 assumes that Great Lakes will provide all service at the communities, both to Denver and to Kansas City. Under this option, Great Lakes proposes service from all five communities to Denver, and from four communities (excluding Liberal) to Kansas City. Great Lakes would operate 13 Dodge City-Liberal-Denver, 6 Dodge City-Garden City-Denver, 7 Garden City-Denver, 6 Liberal-Garden City-Denver, 7 Hays-Denver and 6 Great Bend-Hays-Denver round trips each week. The Denver service differs from Option 1 in two major respects: first, Dodge City would receive additional service by being added to 6 Garden City-Denver round trips a week; and second, Great Bend would receive some service to Denver by being added to 6 Hays-Denver round trips a week. To the east, Great Lakes would operate 12 Garden City-Dodge City-Kansas City and 12 Great Bend-Hays-Kansas City round trips each week. The total subsidy requirement is \$3,953,843 annually, consisting of \$2,705,247 for Dodge City, Garden City and Liberal, and \$1,248,596 for Great Bend and Hays.
- Option 3 is very similar to Option 2, except that all eastbound service would be operated to Wichita rather than to Kansas City. The total subsidy requirement is \$4,092,359 annually, consisting of \$2,738,278 for Dodge City, Garden City and Liberal, and \$1,354,081 for Great Bend and Hays.

Community Comments

In a letter dated October 10 and endorsed by the mayors of all five communities, the City Attorney of Dodge City submitted comments on the carriers' proposals. The communities state that they generally support the continuation of the *status quo* as represented by Air Midwest's service to Kansas City under Mesa's Options 1 and 2 and Great Lakes' service to Denver under its own Option 1. The communities note that they have also given serious consideration to Great Lakes' Options 2 and 3, under which Great Lakes would provide all of their services, both

eastbound to either Kansas City or Wichita as well as westbound to Denver, but that they have several concerns with those options: first, that Great Lakes' subsidy requirement for eastbound service, which is roughly half of Air Midwest's, is based on overly optimistic revenue projections that Great Lakes might not be able to realize, which could ultimately result in higher fares or a disruption in service; second, that the division of the communities' services between two carriers is more prudent than tying those services to a single carrier's fortunes, particularly in the present difficult economic environment; and third, that the communities have had a satisfactory relationship with Air Midwest over many years, and they expect the carrier to continue to be responsive to their concerns in the future.

However, the communities also note that connecting opportunities in Kansas City have been steadily declining, and that, as a result, their services to Denver are growing relatively more important. For that reason, the communities request that the Department subsidize a third round trip a day to Denver for both Dodge City and Hays, as well as at least one round trip a day to Denver for Great Bend. The communities also urge a working relationship in which they, Air Midwest and the Department can cooperate in an ongoing review of other eastbound alternatives during the course of the new rate term.

Decision

After a thorough review of the carriers' proposals, their recent service histories, and the communities' comments, we have decided to select Mesa's Options 1 and 2 for Air Midwest along with Great Lakes' Option 1. Our decision will thus maintain the *status quo* for the two-year rate term from October 1, 2003, through September 30, 2005, at subsidy rates totaling \$4,984,071 -- \$2,176,402 for Air Midwest's service to Kansas City and \$2,807,669 for Great Lakes' service to Denver. Our decision is generally consistent with the communities' preferences, the rates appear reasonable for the services at issue, and the carriers' performances continue to be satisfactory.

In selecting a carrier to provide subsidized essential air service, 49 U.S.C. 41733(c)(1) directs us to consider four factors: (a) service reliability; (b) contractual and marketing arrangements with a larger carrier at the hub; (c) interline arrangements with a larger carrier at the hub; and (d) community views. In addition, we have always given weight to the applicants' relative subsidy requirements.

In this case, both applicants have considerable experience operating scheduled air service generally and under the essential air service program specifically, both have demonstrated an ability to provide such service reliably, and both have marketing and interline agreements with major carriers, although the value of Air Midwest's code-share arrangement with US Airways at Kansas City has diminished in recent years, as US Airways' operations there have been scaled back.

The decisive factors in this case can therefore be reduced to two: the communities' views and the applicants' subsidy requirements. And in the light of those two factors, the choices in this case can also be narrowed down to two: (a) maintaining the *status quo*, with Air Midwest operating to Kansas City and Great Lakes to Denver, which the communities support but which involves a

subsidy increase of \$210,000 a year over the previous rates, or (b) Great Lakes' Option 2, with Great Lakes operating all the communities' services both eastbound and westbound, which involves a subsidy reduction of \$820,000 a year from the previous rates but which is not supported by the communities. The other alternatives, none of which have the communities' support, are easily removed from consideration. Mesa's Options 3 and 4 involve subsidy requirements that we could consider, but they are predicated on the elimination of guaranteed services to Denver, including the dual-hub guarantees of Dodge City, Garden City and Hays; consequently, we could not select either of those options without the communities explicitly waiving their guarantees. Mesa's Options 5, 6, 7, 8 and 9 are simply too expensive, involving total annual subsidy requirements ranging from \$6,465,000 (Mesa's Option 7 combined with Great Lakes' Option 1) to \$8,632,000 (Mesa's Option 5 plus Option 7). As for Great Lakes' Option 3, it is very similar to the its own Option 2, but it would cost \$139,000 a year more and proposes eastbound service to Wichita rather than Kansas City, which remains the communities' preferred eastern hub despite some reservations.

In finally deciding to maintain the status quo, we have concluded that the views expressed by the communities have considerable merit, and in this instance should carry greater weight than our concerns about the subsidy difference -- and, in fact, raise questions about the legitimacy of that difference. As noted earlier, maintaining the status quo requires a subsidy increase over the previous rates of \$210,000 a year -- \$42,000 per community, or only about 4.4 percent over a two-year period. In contrast, Great Lakes' Option 2 would reduce the annual subsidy requirement by \$820,000 a year, but we largely share the communities' concerns about Great Lakes' ability to maintain operations at such a subsidy level. In particular, the subsidy request in Great Lakes' Option 2 is built, in part, on projections for eastbound traffic levels that more than double those achieved recently, and even above those registered by the communities prior to the terrorist attacks of September 11, 2001, which generally represented high-water marks for the communities. The communities registered a total of 10,345 enplanements to Kansas City during calendar year 2000, but that figure dropped to 4,827 enplanements during the year ended March 31, 2002.³ Great Lakes nonetheless projects an average of 11,000 annual enplanements to Kansas City over the course of the two-year rate term. We have no reason to believe that Great Lakes' service to Kansas City would be markedly more attractive than Air Midwest's has been, and we are therefore skeptical that Great Lakes' projections could be attained even by the end of the rate term, much less represent an annual average during the term.⁴ To the extent that Great Lakes overestimates traffic, it also overestimates revenues and underestimates its subsidy requirement, and we are simply not confident that Great Lakes could operate throughout the term without some erosion or disruption of service.

However, we will not accede to the communities' further wish that we subsidize additional services to Denver from Dodge City and Hays, as well as some service to Denver from

³ The historical traffic data used here can be found in Order 2003-8-10, Appendix D.

⁴ Assuming an annualized traffic level of 5,000 enplanements at the beginning of the term, Great Lakes would need to attain a level of 17,000 enplanements by the end of the term in order to average 11,000 annual enplanements during the term -- more than tripling traffic to unprecedented levels in the space of two years.

Great Bend. We have dealt at length with all three of these issues fairly recently.⁵ The services for which we are here authorizing continued subsidy fully meet the communities' essential air service guarantees and easily accommodate recent and projected traffic levels, and there have been no developments since our earlier considerations of the issues that would suggest that reconsideration is now required. In fact, the case is quite the opposite: as we noted when we requested proposals for the new rate term, recent traffic levels at the western Kansas communities are 35 to 62 percent below those registered during calendar year 2000, prior to the terrorist attacks of September 11, 2001.⁶ At the same time, of course, the annual subsidy necessary simply to maintain *status quo* service has grown considerably — from \$3,232,000 prior to the attacks to \$4,984,000 now.⁷ The additional subsidized services requested by the communities are thus unjustified by current traffic levels and would represent an imprudent use of strained program resources.

Carrier Fitness

49 U.S.C. 41737(b) and 41738 require that we find an air carrier fit, willing and able to provide reliable service before we compensate it for providing essential air service. We last found Air Midwest fit by Order 2003-9-15, September 22, 2003, in connection with its essential air service at Hobbs, New Mexico, and last found Great Lakes fit by Order 2003-3-15, March 20, 2003, in connection with its essential air service at Devils Lake and Jamestown, North Dakota. Since then, the Department has routinely monitored the carriers' continuing fitness, and no information has come to our attention that would lead us to question their ability to operate in a reliable manner. Based on our review of their most recent submissions, we find that Air Midwest and Great Lakes continue to have available adequate financial and managerial resources to provide quality service at the communities at issue here, and that they continue to possess a favorable compliance disposition. The Federal Aviation Administration has advised us that the carriers are conducting their operations in accordance with 14 CFR Part 121, and knows of no reason why we should not find that Air Midwest and Great Lakes remain fit.

This order is issued under authority delegated in 49 CFR 1.56a(f).

ACCORDINGLY,

- 1. We select Air Midwest, Inc., d/b/a US Airways Express, to provide essential air service at Dodge City, Garden City, Great Bend and Hays, Kansas, as described in Appendix B, for the period from October 1, 2003, through September 30, 2005;
- 2. We select Great Lakes Aviation, Ltd., to provide essential air service at Dodge City, Garden City, Hays and Liberal, Kansas, as described in Appendix C, for the period from October 1, 2003, through September 30, 2005;

⁵ See Orders 2000-6-14, June 19, 2000, regarding Dodge City and Great Bend, and 2002-3-29, March 29, 2002, regarding Hays.

⁶ Order 2003-8-10, at 4. The communities' statement that the *relative* importance of Denver has grown is true only insofar as the declines in westbound traffic have been less than those eastbound.

⁷ See Orders 2000-2-18, February 14, 2000, where Great Lakes' subsidy was \$2,626,218 annually, and 2000-10-21, October 19, 2000, where Air Midwest's subsidy was \$605,800 annually.

3. We set the final rates of compensation for Air Midwest, Inc., d/b/a US Airways Express, for the provision of essential air service at Dodge City, Garden City, Great Bend and Hays, Kansas, described in Appendix B, for the period from October 1, 2003, through September 30, 2005, payable as follows: for each month during which essential air service is provided, the amount of compensation shall be subject to the weekly ceilings set forth in Appendix B, and shall be determined by multiplying the subsidy-eligible arrivals and departures completed during the month by the following amounts:⁸

| Dodge City and Garden City | \$450.97 |
|----------------------------|----------|
| Great Bend and Hays | \$457.38 |

4. We set the final rates of compensation for Great Lakes Aviation, Ltd., for the provision of essential air service at Dodge City, Garden City, Hays and Liberal, Kansas, as described in Appendix C, for the period from October 1, 2003, through September 30, 2005, payable as follows: for each month during which essential air service is provided, the amount of compensation shall be subject to the weekly ceilings set forth in Appendix C, and shall be determined by multiplying the subsidy-eligible arrivals and departures completed during the month by the following amounts:⁹

| Dodge City, Garden City and Liberal | \$393.81 |
|-------------------------------------|----------|
| Hays | \$567.29 |

- 5. We direct Air Midwest, Inc., d/b/a US Airways Express, and Great Lakes Aviation, Ltd., to retain all books, records, and other source and summary documentation to support claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed, whichever comes first. Copies of flight logs for aircraft sold or disposed of must be retained. The carriers may forfeit their compensation for any claim that is not supported under the terms of this order;
- 6. We find that Air Midwest, Inc., d/b/a US Airways Express, and Great Lakes Aviation, Ltd., continue to be fit, willing and able to operate as commuter air carriers and capable of providing reliable essential air service at Dodge City, Garden City, Great Bend, Hays and Liberal, Kansas;
- 7. These dockets will remain open until further order of the Department; and

⁸ See Appendix B for the calculation of these rates, which assume the use of the aircraft designated. If the carrier reports a significant number of aircraft substitutions, revision of these rates may be required.

⁹ See Appendix C for the calculation of these rates, which assume the use of the aircraft designated. If the carrier reports a significant number of aircraft substitutions, revision of these rates may be required.

8. We will serve copies of this order on the mayors and airport managers of Dodge City, Garden City, Great Bend, Hays and Liberal, Kansas; Mesa Air Group, Inc., d/b/a US Airways Express; Great Lakes Aviation, Ltd.; and the Office of the City Attorney of Dodge City.

By:

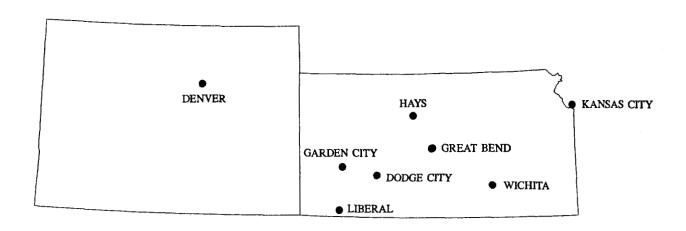
MICHAEL W. REYNOLDS

Acting Assistant Secretary for Aviation and International Affairs

(SEAL)

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REGIONAL MAP



AIR MIDWEST, INC., d/b/a US AIRWAYS EXPRESS ESSENTIAL AIR SERVICE AT DODGE CITY, GARDEN CITY, GREAT BEND AND HAYS, KANSAS

| EFFECTIVE PERIOD | October 1, 2003, through September 30, 2005 |
|----------------------------|--|
| SERVICE | 12 Dodge City-Garden City-Kansas City round trips each week |
| | either nonstop or one-stop |
| | 12 Great Bend-Hays-Kansas City round trips each week, either |
| | nonstop or one-stop |
| AIRCRAFT TYPE | Beech 1900 (19 seats) |
| TIMING OF FLIGHTS | Flights must be well-timed and well-spaced to ensure full compensation |
| SUBSIDY RATE PER | |
| ARRIVAL/DEPARTURE | |
| Dodge City and Garden City | \$450.97 <u>1</u> / |
| Great Bend and Hays | \$446.57 <u>2</u> / |
| COMPENSATION CEILING | |
| EACH WEEK | |
| Dodge City and Garden City | \$21,646.56 <u>3</u> / |
| Great Bend and Hays | \$21,953.76 4/ |

 $[\]underline{1}$ / Annual compensation of \$1,080,520 divided by 2,396 annual arrivals and departures at a 96 percent completion factor: 48 dpts x 52 weeks x .96 = 2,396.

 $[\]underline{2}$ / Annual compensation of \$1,095,882 divided by 2,396 annual arrivals and departures at a 96 percent completion factor: 48 dpts x 52 weeks x .96 = 2,396.

^{3/} Subsidy rate per arrival/departure of \$450.97 multiplied by 48 subsidy-eligible arrivals and departures each week.

^{4/} Subsidy rate per arrival/departure of \$457.38 multiplied by 48 subsidy-eligible arrivals and departures each week.

NOTE

The carrier understands that it may forfeit its compensation for any flights that it does not operate in conformance with the terms and stipulations of the rate order, including the service plans outlined in the order and any other significant elements of the required service, without prior approval. The carrier understands that an aircraft take-off and landing at its scheduled destination constitutes a completed flight; absent an explanation supporting subsidy eligibility for a flight that has not been completed, such as certain weather cancellations, only completed flights are considered eligible for subsidy. In addition, if the carrier does not schedule or operate its flights in full conformance with the order for a significant period, it may jeopardize its entire subsidy claim for the period in question. If the carrier contemplates any such changes beyond the scope of the order during the applicable period of these rates, it must first notify the Office of Aviation Analysis in writing and receive written approval from the Department to be ensured of full compensation. Should circumstances warrant, the Department may locate and select a replacement carrier to provide service on these routes. The carrier must complete all flights that can be safely operated; flights that overfly points for lack of traffic will not be compensated. In determining whether subsidy payment for a deviating flight should be adjusted or disallowed, the Department will consider the extent to which the goals of the program are met and the extent of access to the national air transportation system provided to the community.

If the Department unilaterally, either partially or completely, terminates or reduces payments for service or changes service requirements at a specific location provided for under this agreement, then, at the end of the period for which the Department does make payments in the agreed amounts or at the agreed service levels, the carrier may cease to provide service to that specific location without regard to any requirement for notice of such cessation. Those adjustments in the levels of subsidy and/or service that are mutually agreed to in writing by the parties to this agreement do not constitute a total or partial reduction or cessation of payment.

Subsidy contracts are subject to, and incorporate by reference, relevant statutes and Department regulations, as they may be amended from time to time. However, any such statutes, regulations, or amendments thereto shall not operate to controvert the foregoing paragraph.

GREAT LAKES AVIATION, LTD. ESSENTIAL AIR SERVICE AT DODGE CITY, GARDEN CITY, HAYS AND LIBERAL, KANSAS

| EFFECTIVE PERIOD | October 1, 2003, through September 30, 2005 |
|-------------------------|---|
| SERVICE | 13 Dodge City-Liberal-Denver round trips each week, nonstop o |
| | one-stop |
| | 6 Liberal-Garden City-Denver round trips each week, nonstop or one-stop |
| | 13 Garden City-Denver round trips each week, nonstop |
| | 13 Hays-Denver round trips each week, nonstop |
| AIRCRAFT TYPE | Beech 1900 (19 seats) |
| TIMING OF FLIGHTS | Flights must be well-timed and well-spaced to ensure full |
| | compensation |
| SUBSIDY RATE PER | |
| ARRIVAL/DEPARTURE | |
| Dodge City, Garden City | |
| and Liberal | \$393.81 1/ |
| Hays | \$567.29 <u>2</u> / |
| COMPENSATION CEILING | |
| EACH WEEK | |
| Dodge City, Garden City | |
| and Liberal | \$40,168.62 <u>3</u> / |
| Hays | \$14,749.54 <u>4</u> / |

FOOTNOTES APPEAR ON FOLLOWING PAGE

NOTE

The carrier understands that it may forfeit its compensation for any flights that it does not operate in conformance with the terms and stipulations of the rate order, including the service plans outlined in the order and any other significant elements of the required service, without prior approval. The carrier understands that an aircraft take-off and landing at its scheduled destination constitutes a completed flight; absent an explanation supporting subsidy eligibility for a flight that has not been completed, such as certain weather cancellations, only completed flights are considered eligible for subsidy. In addition, if the carrier does not schedule or operate its flights in full conformance with the order for a significant period, it may jeopardize its entire subsidy claim for the period in question. If the carrier contemplates any such changes beyond the scope of the order during the applicable period of these rates, it must first notify the Office of Aviation Analysis in writing and receive written approval from the Department to be ensured of full compensation. Should circumstances warrant, the Department may locate and select a replacement carrier to provide service on these routes. The carrier must complete all flights that can be safely operated; flights that overfly points for lack of traffic will not be compensated. In determining whether subsidy payment for a deviating flight should be adjusted or disallowed, the Department will consider the extent to which the goals of the program are met and the extent of access to the national air transportation system provided to the community.

If the Department unilaterally, either partially or completely, terminates or reduces payments for service or changes service requirements at a specific location provided for under this agreement, then, at the end of the period for which the Department does make payments in the agreed amounts or at the agreed service levels, the carrier may cease to provide service to that specific location without regard to any requirement for notice of such cessation. Those adjustments in the levels of subsidy and/or service that are mutually agreed to in writing by the parties to this agreement do not constitute a total or partial reduction or cessation of payment.

Subsidy contracts are subject to, and incorporate by reference, relevant statutes and Department regulations, as they may be amended from time to time. However, any such statutes, regulations, or amendments thereto shall not operate to controvert the foregoing paragraph.

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1/ Annual compensation of $2,053,734 divided by 5,215 annual arrivals and departures at a 98 percent completion factor:
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4 dpts x 261 weekdays x .98 =
                                                      1,023
Dodge City
                  6 dpts x 52 weekends x .98 =
                                                       306
                  6 dpts x 261 weekdays x .98 =
Garden City
                                                      1,535
                  8 \text{ dpts x } 52 \text{ weekends x } .98 =
                                                       408
                  6 dpts x 261 weekdays x .98 =
                                                      1,535
Liberal
                  8 dpts x 52 weekends x .98 =
                                                       408
                                                     5,215
```

2/ Annual compensation of \$753,935 divided by 1,329 annual arrivals and departures at a 98 percent completion factor:

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4 dpts x 261 weekdays x .98 = 1,023
6 dpts x 52 weekends x .98 = \frac{306}{1,329}
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3/ Subsidy rate per arrival/departure of \$393.81 multiplied by 102 subsidy-eligible arrivals and departures each week. 4/ Subsidy rate per arrival/departure of \$567.29 multiplied by 26 subsidy-eligible arrivals and departures each week.